Mr. T. S. Narayana Ayyar *(Secretary to Government).*—Somewhere in Chingam or Kanni.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി *(Anthikad).*— ആ പോസ്റ്റിൽ നിയമിക്കുവാനാണോ മിസ്റ്റർ ജോണിനെ ടെയിനിംഗിനു എടുത്തിട്ടുള്ളതു്?

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—I can't answer that question. He has been selected for a particular post.

Dr. A. R. Menon *(Pallippuram).*—Naturally when there is a vacancy of Jailor the Assistant Jailor will be promoted.

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—He may be promoted. There is nothing to prevent Government from making other suitable arrangements, if they think fit.

Execution Proceedings—S. C. 407 of 1109—particulars regarding.

309. Mr. K. M. Ibrahim *(Cranganur).*—Will the Government state the nature of execution proceedings taken in S. C. 407 of 1109 in the Ernakulam District Munsiff's Court?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—No application for execution is now pending in the case. The last application was in Dhanu 1111 and a sum of Rs. 71—4—0 was realised by attachment of the allowance due to the judgment-debtor Mr. Ibrahim for attending the Budget Session of the Legislative Council in 1111. A balance of nearly Rs. 36 still remains to be realised.

Mr. K. M. Ibrahim *(Cranganur).*—Is not, Sir, this realisation effected in direct contravention of the provision contained in clauses (h) and (i) of Section 52 of the Civil Procedure Code?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Government are not prepared now to give an answer to that question but wish to add that if the aggrieved party thought that his rights under the Civil Procedure Code had been taken away from him he could have taken legal action.

Dr. A. R. Menon *(Pallippuram).*—Is the allowance liable to be attached?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Yes.

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Mr. K. M. Ibrahim *(Cranganur).*—Am I to take it that Government are not prepared to answer because it is in their power to do so?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Government regret that it is purely a personal matter and this is not the proper place to ventilate such grievances.

Mr. President.—It is a well recognised principle of all democratic institutions that the Legislature is not used in lieu of judicial courts and it is considered as a code of the highest honour among the members of Parliament not to take advantage of their position as members to ventilate personal grievances on the floor of the House.

Mr. K. M. Kunhi Moideen *(Kattur).*—May I know whether it is the ruling of the Chair that no discussion relating to a decision of the courts can be allowed here?

Mr. President.—No action has arisen for a ruling on that point. I have only stated a principle of observance which I hope every Hon'ble Member of this Council would endorse.

Suits disposed of by agreement of parties—half the fees—refund of.

310. Mr. T. S. Balarama Ayyar. *(Trichur North).*—Will the Government be pleased to state.—

(1) whether they are aware (a) that in Mysore State half of the Court fee is refunded in cases where suits are compromised or withdrawn or settled out of court, and

(b) that a similar practice is followed by the Presidency (Madras) Small Cause Court and Madras City Civil Court;

(2) whether they will be pleased to introduce a similar provision in our State also and encourage the settlement of suits out of court before hearing?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—(1) (a) Section 17 A of the Mysore Civil Courts Regulation, I of 1883 provides for the refund of half of the institution Fee in cases disposed of without contest by agreement of parties before the framing of the issues.

(b) Under section 73 of the Presidency Small Cause Courts Act, XV of 1882, "whenever any suit or proceeding is settled by agreement of the parties before the hearing half the

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